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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number: HECK3001/BEU

In re Application of: Christoph HECKENKAMP

Application No.: 10/982,194

Filed: October 19, 2001

For: Data Carrier Having An Optically Variable Element And Methods For Producing It

The owner*, GAO Gesellschaft für Automation und Organisation, MbH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,801,857, issued September 1, 1998. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 5,801,857 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of U.S. Patent No. 5,801,857, shortened by any terminal disclaimer filed prior to the patent grant in the event that U.S. Patent No. 5,801,857: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Serial No.: 10/115,031
Group Art Unit: 2685
Examiner: P. Tran

The undersigned is an attorney or agent of record.

 12/30/04
Signature Date

Benjamin E. Urcia 33,805
Typed or printed name Registration No.

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